REMARKS

Claims 6-27 are withdrawn from consideration and claims 1-5, and 28-31 have been finally rejected. Applicant requests reconsideration of these rejections for the reasons discussed below.

Claims 1, 5, 28, 29 and 31 were rejected as being obvious over Evans (U.S. 5,921,354) as modified in view of the pliers disclosed in Van Keuren (U.S. 2,274,945). Claims 1 and 28 require first and second arms pivotally attached to corresponding first and second pivots disposed on an opposite side of a plane of rotation of a rotatable brake member, and an adjustable member to control gain in braking force by adjusting a distance between the first and second pivots.

Evans does not include an adjustable member to control a distance between pivot points. Nor does Evans include first and second arms pivotally attached to pivots disposed on an opposite side of a plane of rotation. The office action states that this feature is obvious in view of the pliers disclosed in Van Keuren. Applicant disagrees. The proposed combination is not proper and does not disclose or suggest the limitations of claims 1 and 28.

Evans does not disclose an adjustable distance between a first and second pivot axes. Evans discloses fixed pivots (82a, Figure 10) about which blocks (82) rotate. The pivots (82a) never, and cannot move.

Further, claim 1 requires a first arm pivotally attached about a first pivot axis, and a second arm pivotally attached about a second pivot axis. The arms in Evans are not attached to the pivots (82a) or the blocks (82). In fact, the Evans device relies on the relative movement between the blocks (82) and the brake pads to provide an anti-creep feature. The anti-creep feature is the entire purpose of the Evans device and therefore to propose a modification that eliminates this feature cannot be supported by the required suggestion and motivation. For these reasons alone the rejection to claim 1 should be withdrawn.

Additionally, claim 5 requires that the first pivot axis and the second pivot axis be disposed in a common plane and movable along the common plane to adjust a braking force. Evans discloses rotation of blocks (82) about fixed pivots (82a). Again, there is no adjustment of

the pivots (82a). Further, rotation of the blocks (82) causes movement in different planes that cannot meet the limitations of claim 5.

Further, the proposed combination is improper because the required suggestion and motivation is not present, as the Van Keuren pliers are non-analogous art, and do not provide a benefit to the Evans device. An inventor or one skilled in the art would not have looked to hand tool art for solving problems associated with self-energizing brakes and therefore no suggestion or motivation can be present. The problems associated with controlling a self-energizing brake are not related in any way to the problems addressed by the pliers of Van Keuren. The self-energizing brake involves increasing a braking force by utilizing energy from the rotating brake member. The pliers of Van Keuren are concerned with placing a wire to be cut in a more advantageous position to utilize force applied to tool handles. One skilled in the art would not have looked to the hand tool art for solutions involving controlling braking forces produced by a rotating brake member.

Additionally, the purpose of the pliers configuration disclosed in Van Keuren would provide no benefit to the Evans brake device. Without some benefit there can be no suggestion and motivation. Van Keuren states the benefit as increasing the amount of force that can be applied to cutting a wire because the placement of the pivots allow better placement of the wire relative to pressure applied to the handles. (Col 1 lines 5-10). In Evans the problem is to increase braking force by using energy derived from rotation of a disk relative to a fixed brake member. The additional force is obtained through the rotating blocks (82) that are not even attached to the brake pads. Nothing is present to suggest positioning pivots on opposite sides of the rotating member. In fact, fixing the brake pads to a pivot point would destroy operation of Evans, as Evans depends on the relative movement between the brake pads and the rotating blocks (82) to increase braking force (Evans Figure 10). The proposed modification combination would provide no benefit and destroy an intended operation of Evans and therefore there can be no suggestion or motivation.

Claims 1, 2, 3, 5, 28, 29 and 31 were rejected as obvious over Adams (U.S. 3,318,420) in view of the pliers disclosed in Van Keuren. In Adams, the pivots (45,46) move within slots

disposed on the same side as the arm (12, 13) that it supports and therefore does not disclose or suggest the limitations of claim 1 and 28 as is admitted in the office action. The office action proposes that modifying the Adams brake assembly in view of the Van Keuren pliers renders claims 1 and 28 obvious. This is not the case. The proposed combination is improper because the required suggestion and motivation is not present, as the Van Keuren pliers are non-analogous art, and provide no benefit to the Adams brake device.

As discussed above, the problems associated with controlling a self-energizing brake are not related in any way to the problems addressed by the pliers of Van Keuren. The self-energizing brake involves increasing a braking force by utilizing energy from the rotating brake member. An inventor or one skilled in the art would not have looked to the hand tool art for solutions involving controlling braking forces produced by a rotating brake member.

The purpose of the pliers configuration disclosed in Van Keuren would provide no benefit to the Adams brake device. In Adams, a brake pad moves relative to a support responsive to friction from the rotating member such that energy from the rotating brake member causes an increase in braking force. Van Keuren includes pivots on opposite sides of a gripping or cutting plane so that the object to be cut can be better positioned between the pliers jaws. There is nothing that suggests or provides any motivation to reposition the pivots in Adams. The increased braking force provided by the Adams device is provided by movement of the pads toward the rotating brake member, not the position of the pivots. Therefore there is no benefit to the proposed combination.

Additionally, what reason outside of Applicant's own disclosure suggests the proposed placement of the pivot points? There is none, other than the improper use of Applicant's disclosure as a guide to selecting elements from the prior art to meet the claimed limitations. Of course this is not proper rationale to support a *prima facia* case of obviousness and for at least this reason the rejection should be withdrawn.

Further, claim 2 requires a biasing member disposed between the first and second arms to bias the first and second pivots toward each other. Claim 3 requires a spring disposed to bias the first pivot axis toward the second pivot axis. Adams discloses pins (45, 46) that are biased apart

by a spring (50) (Col 3, lines 45-50). Accordingly, Adams does not disclose the limitations required by claims 2 and 3, and these rejections should be withdrawn.

Claim 5 requires that the first pivot axis and the second pivot axis be disposed in a common plane and movable along the common plane to adjust a braking force. Adams discloses movement of pins (46) within V-shaped slots (47). Movement within the V-shaped slots of Adams is not movement along a common plane as is required by claim 5.

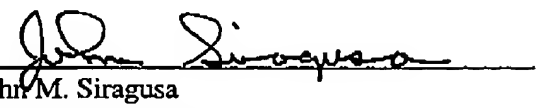
Claims 1, 4, 5, 28, 29 and 31 were rejected as obvious over Butler (U.S. 3,109,517) in view of the pliers disclosed in Van Keuren. As discussed above, Van Keuren is non-analogous art as the problems associated with controlling a self-energizing brake are not related in any way to the problems addressed by the pliers of Van Keuren. Accordingly, for this reason alone the proposed combination is improper and should be withdrawn.

Further, there is no suggestion or motivation to make the proposed combination as there is no benefit. The Van Keuren device provides a benefit to a hand tool by allowing an improved placement of the wire relative to pressure applied to the handles. (Col 1 lines 5-10). The Butler brake provides for compensation of wear by allowing movement of rear pivot points (33). The rear pivots points (33) are moved by a drive (29). As the position of the pivots (33) are specifically determined and placed relative to the brake member (10), modification as proposed by the examiner would provide no benefit and even disrupt the intended operation of the Butler brake device. It is apparent that Applicant's disclosure has served as a guide to selecting various elements from the prior art to meet the claim limitations. Of course this is not proper reasoning to support a *prima facia* case of obviousness. Further, Butler is not a self-energizing brake and therefore cannot meet the limitations of claims 1 and 28. Accordingly, for at least these reasons this rejection should be withdrawn.

All objections and rejections have been addressed and the claims are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



John M. Siragusa
Registration No. 46,174
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: January 17, 2006